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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 22, 2003.

Michael Boyd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Carlos F. BARBAS, III *et al.*

Serial No.: 09/765,555

Filing Date: January 19, 2001

For: METHODS AND COMPOSITIONS TO  
MODULATE EXPRESSION IN  
PLANTS

Examiner: M. Ibrahim

Group Art Unit: 1638

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office action herein mailed May 21, 2003, and the time for response was due on August 21, 2003, and for which a one month extension of time is requested to extend the time for response from August 21, 2003 to September 21, 2003. As September 21, 2003 is a Sunday, the response is believed to be timely filed on the next business day, Monday, September 22, 2003. The considered claims, claims 1, 3-31, 36-89, 91-95, 97-100 and 133-138 were rejected. Careful consideration has been given to the grounds for rejection, and the following amendment and discussion are offered in response. Reconsideration is respectfully requested.

Enclosed herein are the following Exhibits:

Exhibit A: Declaration Of Carlos F. Barbas, III

Exhibit B: Declaration of Justin T. Stege

Exhibit C: Declaration of Xueni Guan

Exhibit D: Declaration of Bipin Dalmia

Exhibit E: THE AMERICAN HERITAGE COLLEGE DICTIONARY 1411 (4th Ed. 2002).

Exhibit F: Vines, R., Plant Biotechnology Pub. No. 443-002 (March 2002), *available at* [www.ext.vt.edu/pubs/biotech/443-002/443-002.html](http://www.ext.vt.edu/pubs/biotech/443-002/443-002.html).